THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.20071 of 2007

Dated: 15-11-2007

Between:

M/s.Mavuri Krishna Murthy & Bros.
Rep. by Mavoori Ravinder Kumar,
Hyderabad.

...Petitioner

and

1.The Chairman,
Agricultural Market Committee,
Hyderabad and 4 others.

...Respondents

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THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.20071 of 2007

Dated: 15-11-2007

Order: (Per The Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

This Writ Petition has been filed by the petitioner-M/s.Mavuri Krishna Murthy & Bros., against the proceedings dated 13-09-2007 of the first respondent

cancelling the petitioner's licence.

This Writ Petition has been listed before this Court as it was referred by a learned single Judge of this Court on 23-10-2007 to be decided by a Division Bench.

The petitioner-firm, which is a licencee of Mahboob Mansion Market, was allotted shop No.20 at Mahboob Mansion Market Complex. Subsequently, by an order dated 13-09-2007, it's licence has been cancelled by the first respondent-Chairman of the Agricultural Market Committee. This was done after a show cause notice dated 14-05-2007 was issued, objections filed by the petitioner-firm were considered and after an enquiry was conducted. On enquiry, the respondent-Agricultural Market Committee was of the opinion that, though the petitioner-firm was a licencee of shop No.20 of Mahboob Mansion Market Complex, it disposed of the said shop and willfully misrepresented that it was the licencee of shop No.155 and got renewed it's licence by giving false address. In fact shop No.155 in the Mahboob Mansion Market Complex was allotted to one M/s.Mavoori Shakaraiah & Sons. These conclusions drawn by the respondent-authorities after enquiry are disputed by the petitioner.

The learned Standing Counsel for the respondent-Agricultural Market Committee submits that these are the questions of fact, which cannot be agitated before this Court in its writ jurisdiction under Article 226 of the Constitution of India, particularly, when the petitioner-

firm has an effective alternative remedy of appeal available in terms of Rule 53 of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Rules (for short 'the Rules').

In our view, the appeal is much comprehensive remedy and the appellate authority can go into the questions of fact as well as questions of law. Therefore, on this ground, we do not feel that this Court should entertain this Writ Petition at this stage.

The learned Counsel for the petitioner-firm submitted that the impugned order dated 13-09-2007 passed by the first respondent-Chairman of the Agricultural Market Committee, is without any jurisdiction, but he has not been able to substantiate it.

The Agricultural Market Committee has the power to grant licence in terms of Section 7 of the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 1966 (for short 'the Act') and also to revoke the licence in terms of Rule 52 of the Rules made under the Act.

The learned Counsel for the petitioner-firm, however, submitted that when the first respondent-Chairman of the Agricultural Market Committee passed the impugned order, he did not comply with the mandate of Rule 52 of the Rules and the quorum was not complete.

Such a plea was not taken earlier in the Writ petition but has been taken later in the rejoinder.

Obviously, the respondent-Agricultural Market Committee had no chance to controvert such a plea. Therefore, it is also not established that the impugned order dated 13-09-2007 was passed by a forum without quorum.

For these reasons, we do not find any merit in this Writ Petition, which is, accordingly, dismissed. However, the petitioner-firm is at liberty to seek the remedy available to it under the Act and the Rules, if so advised. No costs.

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(Bilal Nazki,

A.C .J)

Dated 15th November, 2007

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(Ramesh Ranganathan, J)

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